REMARKS

Pending claims

Claims 10 and 29-44 are pending.

Restriction Requirement

In the Restriction Requirement, the Examiner requested Applicants to elect one of the following inventions:

Group I: Claim 1 drawn to polypeptide comprising SEQ ID NO:1 or 3

Group II: Claims 10, 30, 31, 33, 36, 37 and 39-42 drawn to antibody against SEQ ID NO:1 or 3

Group III: Claim 29 drawn to diagnostic test using antibody

Group IV: Claims 32 and 34 drawn to a method for diagnosing disease via administering antibody

Group V: Claims 35 and 38 drawn to a method for producing antibody

Group VI: Claim 43 drawn to a method of detecting SEQ ID NO:1 or 3

Group VII: Claim 44 drawn to a method for purifying SEQ ID NO:1 or 3

Applicants hereby elect, with traverse, to prosecute Group II, which includes and is drawn to claims 10, 30, 31, 33, 36, 37 and 39-42. Applicants reserve the right to prosecute the subject matter of non-elected claims in subsequent divisional applications.

Applicants submit that the subject matter of Groups III-VII (i.e., claims 29, 32, 34, 35, 38, 43 and 44) should all be considered with Group II since there would be no burden on the Examiner to do so. That is, claims 29, 32, 34, 35, 38, 43 and 44 relate to methods of making or using the antibodies of Group II and, therefore, overlapping searches would be necessary for all of the claims.

Alternatively, Applicants submit that, upon allowance of product claims 10, 30, 31, 33, 36, 37 and 39-42, claims 35 and 38, drawn to methods of making and claims 29, 32, 34, 43 and 44, drawn to methods of using the products of claims 10, 30, 31, 33, 36, 37 and 39-42, should be rejoined, per the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai, In re Brouwer* and 35 U.S.C. § 103(b)" which

sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is necessary, please charge any required fee to Deposit Account No. **09-0108.**

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Paragraph beginning at line 2 of page 1 has been amended as follows:

This application is a divisional application of U.S. application Serial Number 09/360,125, filed July 23, 1999, now U.S. Patent 6,235,715, which is a divisional application of U.S. application Serial Number 09/004,502, filed January 8, 1998, now U.S. Patent 5,962,263, the contents all of which are hereby incorporated by reference.

IN THE CLAIMS:

Claim 1 has been cancelled.

Claims 10, 35 and 38 have been amended as follows:

10. (Once amended.) An isolated antibody which specifically binds to a polypeptide [of claim 1] comprising the amino acid sequence of SEQ ID NO:1 or SEQ ID NO:3.

35. (Once amended.) A method of preparing a polyclonal antibody with the specificity of the antibody of claim 10 comprising:

a) immunizing an animal with a polypeptide having an amino acid sequence of SEQ ID NO:1 or SEQ ID NO:3,[,] or an immunogenic fragment thereof, under conditions to elicit an antibody response;

b) isolating antibodies from said animal; and

c) screening the isolated antibodies with the polypeptide, thereby identifying a polyclonal antibody which binds specifically to a polypeptide having an amino acid sequence of SEQ ID NO:1 or SEQ ID NO:3.

38. (Once amended.) A method of making a monoclonal antibody with the specificity of the antibody of claim 10 comprising:

a) immunizing an animal with a polypeptide having an amino acid sequence of SEQ ID NO:1 or SEQ ID NO:3, or an immunogenic fragment thereof, under conditions to elicit an antibody response;

b) isolating antibody producing cells from the animal;

c) fusing the antibody producing cells with immortalized cells to form monoclonal antibody-producing hybridoma cells;

d) culturing the hybridoma cells; and

e) isolating from the culture monoclonal antibody which binds specifically to a polypeptide having an amino acid sequence of SEQ ID NO:1 or SEQ ID NO:3.[.]